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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,119	03/26/2001	Mitsuru Maeda	862.C2158	6246
5514	7590	01/11/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			COUSO, YON JUNG	
			ART UNIT	PAPER NUMBER
			2625	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/816,119	Applicant(s) MAEDA ET AL.	
	Examiner Yon Couso	Art Unit 2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-34 and 36-38 is/are rejected.
- 7) ☒ Claim(s) 35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/3/04</u> . | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's arguments filed August 2, 2004 have been fully considered but they are not persuasive.

a. The objection made to drawings has been withdrawn.

b. The objection made to the title has been withdrawn.

c. The rejection made under 35 USC 112, first paragraph has been withdrawn in response to the amendment.

d. The applicants argue that the prior art does not teach or suggest encoding image data within a first region prior to image data within a second region, detecting whether or not the encoded data corresponding to the second region is included in an encoded image data, and encoding the image data at a predetermined compression ratio higher than a previous compression ratio when the encoded data corresponding to the second region is not included in the encoded image data. The examiner disagrees. Wine teaches encoding image data within a first region prior to image data within a second region, detecting whether or not the encoded data corresponding to the second region is included in an encoded image data, and encoding the image data at a predetermined compression ratio higher than a previous compression ratio when the encoded data corresponding to the second region is not included in the encoded image data (column 4, line 66-column 5, line 15; column 5, line 47-column 6, line 7; column 8, lines 6-36; and column 8, line 59-column 9, line 20).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2625

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 31-34 and 36-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Wine et al (US Patent No. 6,477,201).

As per claims 31, 37, and 38, Wine teaches an image processing apparatus for encoding image data indicating an image including a first region and a second region, comprising: an encoding unit, adapted to encode the image data within the first compression ratio to obtain first encoded data, wherein the image data within the first region is encoded prior to the image data within the second region, the encoding unit terminating the encoding processing when a data amount of the first encoded image data exceeds a predetermined amount (column 6, line 52-column 8, line 37); a detecting unit, adapted to detect whether or not the encoded data corresponding to the second region is included in the first encoded image data (column 6, line 52-column 8, line 37); and a control unit, adapted to make the encoding unit encode the image data at a second compression ratio higher than the first compression ratio to obtain second encoded image data, when the encoded data corresponding to the second region is not included in the first encoded image data (column 4, line 66-column 5, line 15; column 5, line 47-column 6, line 7; column 8, lines 6-36; and column 8, line 59-column 9, line 20).

As per claim 32, Wine teaches that the detecting unit is adapted to detect whether or not the encoded data corresponding to the second region is included in the second encoded image data, and the control unit is adapted to make the encoding unit

encode the image data at a third compression ratio to obtain third encoded image data when the encoded data corresponding to the second region is not included in the second encoded image data (figure 2).

As per claim 33, Wine teaches that the first and second encoded image data are generated using quantization processing, and the changes of compression ratio is done by a changing quantization step used in the quantization processing (column 6, line 52-column 8, line 37).

As per claim 34, Wine teaches that the first compression ratio is fixed when the encoded data corresponding to the second region is included in the first encoded image data (column 2, line 64-column 3, line 10).

As per claim 36, the detecting unit is adapted to detect whether or not encoded data indicating a block corresponding to the second region is included in the first encoded image data (column 4, lines 19-24).

3. Claims 35 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Christopoulos et al is cited.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

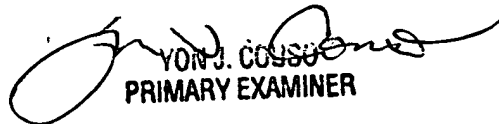
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yon Couso whose telephone number is (703) 305-4779. The examiner can normally be reached on Monday through Friday from 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached on (703) 308-5246. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YJC
January 6, 2005



YON J. COUSO
PRIMARY EXAMINER